STATE OF NEW YORK

2643

2025-2026 Regular Sessions

IN SENATE

January 22, 2025

Introduced by Sen. ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to providing for licensure of a massage therapy establishment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The general business law is amended by adding a new article 30-C to read as follows:

ARTICLE 30-C
MASSAGE THERAPY ESTABLISHMENT LICENSE

Section 646. Legislative purpose.
646-a. Mandatory massage therapy establishment licensure.
646-b. Exemptions.
646-c. Locations where massage therapy is prohibited.
646-d. Application for establishment license.
646-e. Required display of licenses.
646-f. Establishment standards.
646-g. Inspections.

§ 646. Legislative purpose. The purpose of this article is to establish the requirements of an establishment license for a business that offers massage therapy services including bodywork, reflexology, polarity therapy and all modalities in the scope of practice provided by hands, vibrators or any computer or machine that provides the service in the name of massage therapy. The massage therapy establishment license is to ensure the health, safety, and welfare of the public, the establishment's employees, the proper professional growth and development of the massage therapy profession and serve to deter human trafficking, unlicensed providers and other illegal activity.

§ 646-a. Mandatory massage therapy establishment licensure. 1. Each massage therapy establishment in the state shall be licensed by the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD07023-01-5

state board for massage therapy before providing or offering to provide massage therapy, and shall annually renew its license using an application provided by the state board for massage therapy.

2. A massage therapy establishment license shall be renewed annually and such renewal shall be the responsibility of the owner or operator of the massage therapy establishment.

3. Massage therapy, including the provision of out-of-office massage therapy services, shall only be administered or offered at any location, or portion thereof, covered by a valid massage therapy establishment license issued by the state board for massage therapy or otherwise exempted from establishment licensure under section six hundred forty-six-b of this article. A massage therapy provider shall be licensed with current registration in good standing and permitted to administer massage therapy care pursuant to article one hundred fifty-five of the education law.

4. With regard to the number of licenses required for two or more establishments at the same address, each massage therapy establishment shall require a separate license. The state board for massage therapy shall determine whether establishments offering massage therapy services at the same address constitute one or more massage therapy establishments.

§ 646-b. Exemptions. A massage therapy establishment license shall not be required for the following:

1. any facility owned by a New York state licensed healthcare professional with a registration in good standing;

2. state board for massage therapy approved continuing education programs and student clinics operated by massage therapy programs licensed and accredited by the department of education; and

3. locations at which chair massages by a licensed massage therapist are exclusively provided.

§ 646-c. Locations where massage therapy is prohibited. Massage therapy shall not be delivered in the following locations:

1. adult entertainment venues offering sexual services of any kind;

2. bars or nightclubs;

3. on the streets or sidewalks, with an exception for public or charitable events which have a primary purpose not related to massage therapy; and

4. at salons where appearance enhancement of nails and hair removal makes up seventy-five percent or more of business activity.

§ 646-d. Application for establishment license. 1. Application for a massage therapy establishment license may be made by a sole proprietorship, partnership, corporation, limited liability company, or limited liability partnership. A massage therapy establishment may be owned by an individual who is not a New York state licensed massage therapist pursuant to article one hundred fifty-five of the education law or other New York state healthcare practitioner.

2. An application for a massage therapy establishment license shall be:

(a) submitted to the state board for massage therapy;

(b) signed under the pains and penalties of perjury by the applicant or a person authorized to act on behalf of the applicant;

(c) accompanied by information concerning ownership and control that identifies if the property where the establishment is being proposed is owned by an individual, partnership or trust, and the name or names of the owners and percentages of ownership of such individual, partners or trustees; and

(d) accompanied by any other information deemed necessary by the board.

3. A change in massage therapy establishment ownership shall require application for and receipt of a new massage therapy establishment license. A change in massage therapy establishment ownership shall occur on the date that there is a transfer of a controlling interest in a massage therapy establishment. When a change in ownership occurs, the massage therapy establishment license shall expire, and the new owner shall apply for a new license within thirty days from such expiration.

4. (a) An establishment license shall be valid only for the location stated on the license and shall not be transferable or assignable.

(b) The state board for massage therapy shall be notified in writing at least thirty days prior to a change in location of a massage therapy establishment.

(c) The license for the previous location shall be canceled and shall be invalid as of the date of relocation.

(d) The massage therapy compliance officer or establishment owner shall file a new application for a massage therapy establishment license that is subject to the state board for massage therapy's approval.

(e) The massage therapy establishment shall not operate at the new location until the state board for massage therapy has approved a massage therapy establishment license for the new location.

§ 646-e. Required display of licenses. 1. (a) Current true copies of the following shall be conspicuously displayed for the benefit of the public at each massage therapy establishment:

(i) the massage therapy establishment's license;

(ii) the current registration of each massage therapist licensed by the state board for massage therapy who provides massage therapy services at the massage therapy establishment; and

(iii) the most recent inspection report completed by the state board for massage therapy, or its agents.

(b) A licensee may redact such licensee's residential address from the posted massage therapy establishment license.

§ 646-f. Establishment standards. 1. The state board for massage therapy may establish rules and regulations for application, denial, renewal, reinstatement, inspections, disciplinary action, revocations and standards for practice as such board deems appropriate for the lawful and safe operation of massage therapy establishments.

2. The state board for massage therapy may vary the application of any provision of such rules and regulations with respect to any particular case when, in such board's opinion, the enforcement thereof would create a manifest injustice, including practitioners who do not administer massage therapy at a specific location. Any variance granted by the state board for massage therapy shall be in writing.

3. An approved massage therapy establishment license may be subject to such qualification, revocation, suspension, or expiration as the state board for massage therapy expresses in its application approval. A variance or other modification authorized to be made may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

4. Each massage therapist establishment shall designate a licensed massage therapist in good standing to be the compliance officer, and who shall be responsible for the massage therapy establishment's compliance with this article, any other laws of the state of New York, and federal law. Such compliance officer shall be a full time employee who works on

the premises of the massage therapy establishment. The compliance officer shall have a compliance plan available for inspection.

§ 646-g. Inspections. The state board for massage therapy or its agent may inspect any massage therapy establishment at any time during regular business hours, and without prior notice, for the purpose of verifying that such massage therapy establishment, and its agents or employees are in compliance with all applicable requirements of all federal, state and local laws or regulations.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.